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5 Attorneys for Defendant PETER FOLEY

6 UNITED STATES DISTRICT COURT
7
8 CENTRAL DISTRICT OF CALIFORNIA

9 ROSEY FLETCHER, ERIN
10 O'MALLEY, AND CALLAN
CHYTHLOOK-SIFSOF,

11 Plaintiff,

12 vs.

13 PETER FOLEY, GALE "TIGER"
14 SHAW III, AND UNITED STATES
SKI & SNOWBOARD, AND UNITED
15 STATES OLYMPIC AND
PARALYMPIC COMMITTEE,

16 Defendants.

Case No. 2:23-cv-00803 SPG(JPRx)

[Hon. Sherilyn Peace Garnett]

**DEFENDANT PETER FOLEY'S
JOINDER IN DEFENDANT
UNITED STATES SKI &
SNOWBOARD'S NOTICE OF
MOTION AND MOTION TO
DISMISS FIRST AMENDED
COMPLAINT; MEMORANDUM
OF POINTS AND AUTHORITIES
IN SUPPORT THEREOF**

*[Filed Concurrently with Defendant
Peter Foley's Notice of Motion and
Motion to Dismiss First Amended
Complaint Pursuant to FRCP 12(b)(2)
and 12(b)(6) and Joining Defendant
United States Ski & Snowboard's Notice
of Motion and Motion to Dismiss
Complaint with Memorandum of Points
and Authorities in Support Thereof;
Declaration in Support of Defendant
Peter Foley's Notice of Motion and
Motion to Dismiss for Lack of Personal
Jurisdiction; and [Proposed] Order]*

Date: October 25, 2023

Time: 1:30 p.m.

Courtroom: 5C

Complaint Filed: February 2, 2023

1 **TO THE COURT, ALL PARTIES, AND THEIR ATTORNEYS OF**
2 **RECORD:**

3 Notice is hereby given that Defendant Peter Foley (“Foley”) hereby joins in
4 Defendant United States Ski & Snowboard’s (“USSS”) Notice of Motion and
5 Motion to Dismiss the Complaint pursuant to Fed. R. Civ. P. 12(b)(6) as to the First,
6 Eighth, Eleventh through Thirteenth, and Twenty-First, Causes of Action
7 (“Motion”), in which USSS and Foley are jointly named. Specifically, Foley joins in
8 the arguments set forth in the following sections of USSS’ Memorandum of Points
9 and Authorities in support of the Motion: Section III.C (regarding RICO’s
10 Nationwide service provision); Section IV.A (regarding failure to state a claim for
11 RICO); Section IV.B (regarding failure to state a claim for sex trafficking
12 conspiracy); and Section IV.C (regarding failure to state a claim under Section
13 340.16 of the California Code of Civil Procedure); and Section IV.F.2 (regarding
14 failure to state a claim for Intentional Infliction of Emotional Distress).

15 The above-referenced arguments in USSS’ Motion all apply to Foley because
16 all of the allegations herein referenced relate to his employment with USSS as
17 former Head Coach of the U.S. Snowboard Team.

18 By this Joinder, Foley incorporates by reference, as though fully set forth
19 herein, the contents of USSS’ Motion, including the Notice of Motion,
20 Memorandum of Points and Authorities, Declaration of Desirée F. Moore,
21 Declaration of Brooke McAfee, Request for Judicial Notice, as well as any oral
22 and/or documentary evidence as may be considered by the Court at the time of the
23 hearing on the Motion. In doing so, Foley adopts the legal arguments, authorities,
24 and requests set forth therein.

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1 This Joinder is filed concurrently with Foley's own Motion to Dismiss
2 Pursuant to Fed. R. Civ. P. 12(b)(2) and 12(b)(6), which addresses the causes of
3 action specific to Foley.

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5 DATED: June 30, 2023

DAUGHERTY LORDAN LLP

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8 By: /s/ Paige T. Rivett

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